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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,311	06/06/2001	Bruce Barger	CM2373	7052

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EXAMINER

CARRILLO, BIBI SHARIDAN

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

ASU

Office Action Summary

Application No.

09/875,311

Applicant(s)

BARGER ET AL.

Examiner

Sharidan Carrillo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 8-9, 11-12, 14-15, 18-23, 25, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al. (5759980) in view of Cahan (3502215) and further in view of Lutich (2002/0179535A1).

Russo et al. teach a method of cleaning a car using an aqueous cleaning composition

Further, the use of sprayers having filtering devices are notoriously well known and conventionally used in the art (2078543, 4442003, 5595451, 5192025, 6520190).

5. Claims 5-7, 24 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al. (5759980) in view of Cahan et al. (3502215) and Lutich (2002/0179535), as applied to claims 1-4, 8-9, 11-12, 14-15, 18-23, 25, and 32 as described in paragraph 4 above, and further in view of Betrem et al. (US2002/0160924).

Russo et al. as modified by Cahan et al. teach the invention substantially as claimed with the exception of the contact angles, the limitations of claims 26-29 and nonionic surfactants further comprising alkyl polysaccharide surfactants.

In paragraph 116, Betrem et al. teach that hydrophilic means a surface contact angles of less than 50 degrees and further teaches by "durability" it is meant that the hydrophilic surface modification is maintained for at least one rinse, preferably at least three rinses, more preferably at least seven rinses. In paragraph 64, Betrem et al. teach other polymers include the alkyl polysaccharide polymers.

One of ordinary skill in the art would have reasonably expected the cleaning composition of Russo et al. to have the same contact angles and hydrophilic surface modification, as defined by Betrem et al. since both Russo et al. and Betrem et al. teach the same type of polymers having hydrophilic properties.

In paragraph 8, lines 5-10, Russo et al. teach that polymers also include the polysaccharides. It would have been obvious to a person of ordinary skill in the art to have modified the method of Russo et al., to include additional anti-resoiling polymers such as, the

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having a pH less than 9 and containing a polymer which renders the surface hydrophilic. Russo et al. teach rinsing the car, however, fail to teach rinsing the surface with purified water (col. 7, lines 5-60, col. 8, lines 60-63, col. 9, lines 13-15, col. 10, lines 13-15, col. 11, lines 15-25).

Cahan teaches a water reclamation apparatus for use in car washes. Cahan teaches an ion-exchange resin used in car washes for removing water hardness. It would have been obvious to a person of ordinary skill in the art to modify the method of Russo et al. to include using an ion-exchange resin in car washes as taught by Cahan et al., for purposes of purifying the water by removing the water hardness.

In reference to claims 2-3, refer to col. 15, lines 40-45. Russo et al. teach multiple rinses after contact with the cleaning solution. In reference to claim 4, refer to col. 12, lines 50-55 of Russo et al. In reference to claim 8, refer to col. 8, lines 60-65. In reference to claim 9, refer to col. 1, lines 45-47. In reference to claims 11-12 and 14, refer to the teachings of Cahan et al. In reference to claim 15, refer to col. 12, lines 65-68. In reference to claims 18-19, refer to col. 9, lines 11-15. In reference to claims 20-21, refer to col. 8, lines 5-20. In reference to claims 22-23, refer to col. 4, lines 1-5. In reference to claim 25, refer to col. 12, lines 50-60.

Russo et al., as modified by Cahan et al. fail to teach a hand-held sprayer that comprises a water purifier to rinse the surface with purified rinse water. Lutich teaches a filter device for the removal of contaminants from water. In the embodiment of Fig. 5, Lutich teaches a hand-held sprayer 122 comprising a filtering device 50 therein.

It would have been obvious to a person of ordinary skill in the art to have modified the method of Russo et al., to include a filtering device in combination with an hand-held sprayer, as taught by Lutich for purposes of purifying the water by removing contaminants there from.

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alkyl polysaccharide polymers of Betrem et al., since Russo et al. teach that polysaccharide polymers can be used.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al. (5759980) in view of Cahan et al. (3502215) and Lutich (2002/0179535), as applied to claims 1-4, 8-9, 11-12, 14-15, 18-23, 25, and 32 as described in paragraph 4 above, and further in view of Crutcher et al. (5238595).

Russo et al. teach the invention substantially as claimed with the exception of a nanoparticle clay mineral. In col. 10, lines 27, Russo et al. teach that the composition can contain additional ingredients such as detergent builders. Crutcher et al. teach a hard surface cleaner comprising a detergent builder such as zeolite for purposes of minimizing precipitation of surfactants from the cleaning solution prior to the cleaning process being completed.

It would have been obvious to a person of ordinary skill in the art to have modified the method of Russo et al., to include providing conventional detergent builders such as zeolite, as taught by Crutcher et al., for purposes sequestering ions and inhibiting precipitation of surfactants from the cleaning solution during the cleaning process.

7. Claims 13 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al. (5759980) in view of Cahan et al. (3502215) and Lutich (2002/0179535), as applied to claims 1-4, 8-9, 11-12, 14-15, 18-23, 25, and 32 as described in paragraph 4 above, and further in view of DiMascio et al. (6284124).

Russo et al., as modified by Cahan teaches the invention substantially as claimed with the exception of three layers of ion exchange resin. DiMascio et al. teach a deionization apparatus comprising multiple alternating layers of ion exchange resin material for purposes of

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providing high purity deionized water (col. 3, lines 50-55). In col. 7, lines 50-60, DiMascio et al. teach that it was conventional in the art to use strong acid cation exchange resin and weak base ion exchange resin for the ion exchange matrix.

It would have been obvious to a person of ordinary skill in the art to have modified the modified method of Russo et al., to include multiple layers of ion exchange resin material, as taught by DiMascio et al., for purposes of providing high purity water.

8. Claims 16-17 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al. (5759980) in view of Cahan et al. (3502215) and Lutich (2002/0179535), as applied to claims 1-4, 8-9, 11-12, 14-15, 18-23, 25, and 32 as described in paragraph 4 above, and further in view of Chura et al. (5595345).

Russo et al. teach that the car wash cleaning composition can be applied by spray bottle. Russo et al. fail to teach the limitations of claims 16-17 and 30. Chura et al. teach a double barrel sprayer for applying a dilute product of the cleaning solution to the surface and rinsing the surface with a water only rinse. It would have been obvious to a person of ordinary skill in the art to have modified the method of Russo et al. to include the double barrel sprayer of Chura et al., for purposes of applying a cleaning composition and rinse onto the surface in a convenient manner.

9. Claims 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al. (5759980) in view of Cahan (3502215).

Russo et al. teach a method of cleaning a car using an aqueous cleaning composition

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having a pH less than 9 and containing a polymer which renders the surface hydrophilic. Russo et al. teach rinsing the car, however, fail to teach rinsing the surface with purified water (col. 7, lines 5-60, col. 8, lines 60-63, col. 9, lines 13-15, col. 10, lines 13-15, col. 11, lines 15-25).

Cahan teaches a water reclamation apparatus for use in car washes. Cahan teaches an ion-exchange resin used in car washes for removing water hardness. It would have been obvious to a person of ordinary skill in the art to modify the method of Russo et al. to include using an ion-exchange resin in car washes as taught by Cahan et al., for purposes of purifying the water by removing the water hardness. In reference to claims 33-37, refer to Fig. 1 of Cahan et al.

Response To Arguments

The objection to the drawing is withdrawn in view of arguments presented by applicant.

Applicant argues that the prior art of Russo, Cahan, Crutcher, DiMasicio, and Chura fails to teach a hand-held sprayer that comprises a water purifier to rinse the surface. The prior art of Lutich is relied upon to cure the deficiency.

Applicant argues that the prior art of Bertrem et al. cannot be used as prior art since applicant claims the benefit of PCT patent application filed June 14, 2000. Applicant's arguments are unpersuasive since the effective filing date of the Bertrem et al. is June 15, 1999.

Applicant's arguments have been considered but are deemed unpersuasive for the reasons recited above. A new grounds of rejections have been made in view of the newly amended claims, as described above.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 703-308-1876.

The examiner can normally be reached on Monday-Friday, 6:00a.m-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on 703-308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7719 for regular communications and 703-305-7719 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Sharidan Carrillo
Primary Examiner
Art Unit 1746

bsc
September 12, 2003


SHARIDAN CARRILLO
PRIMARY EXAMINER